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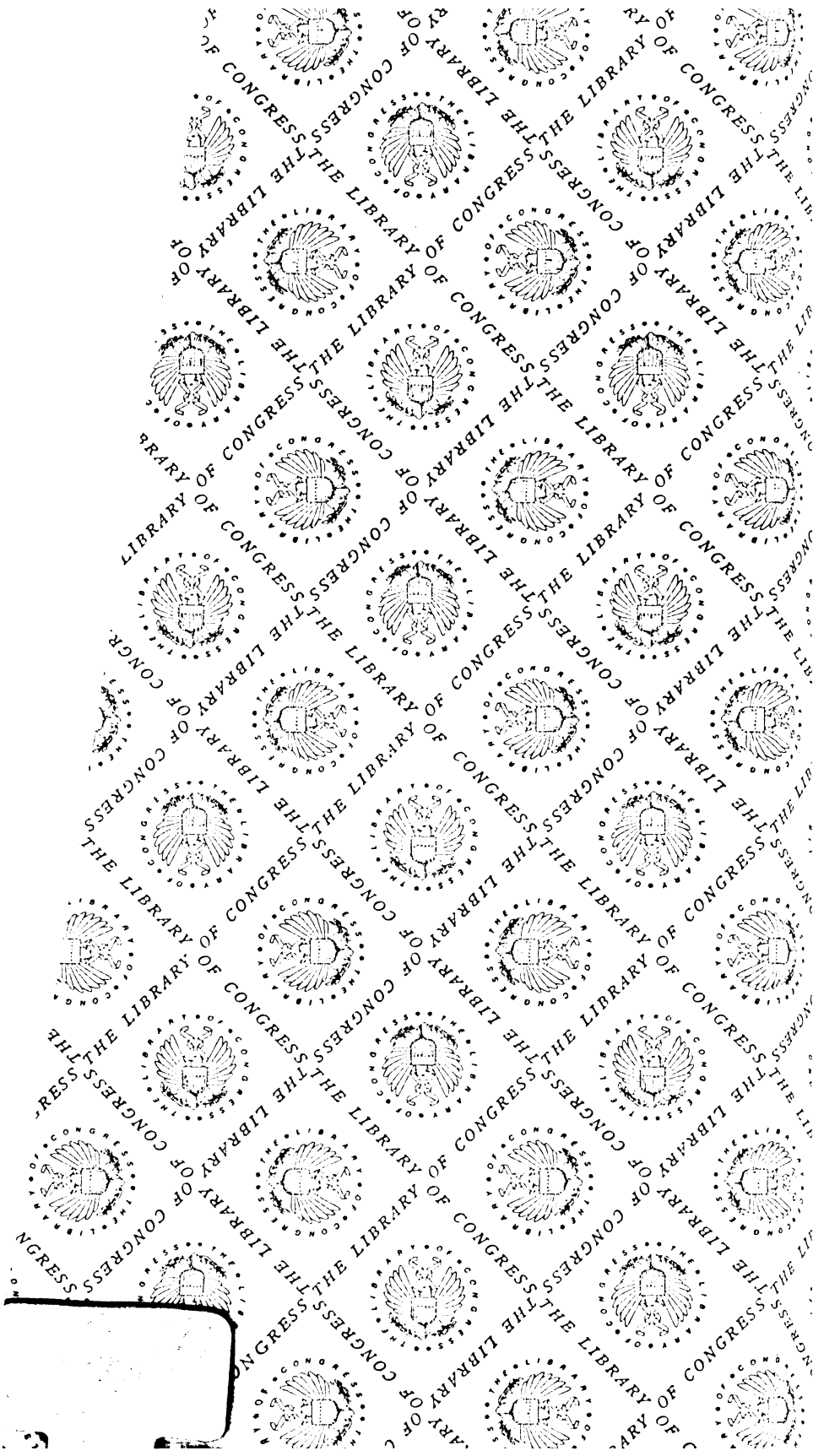
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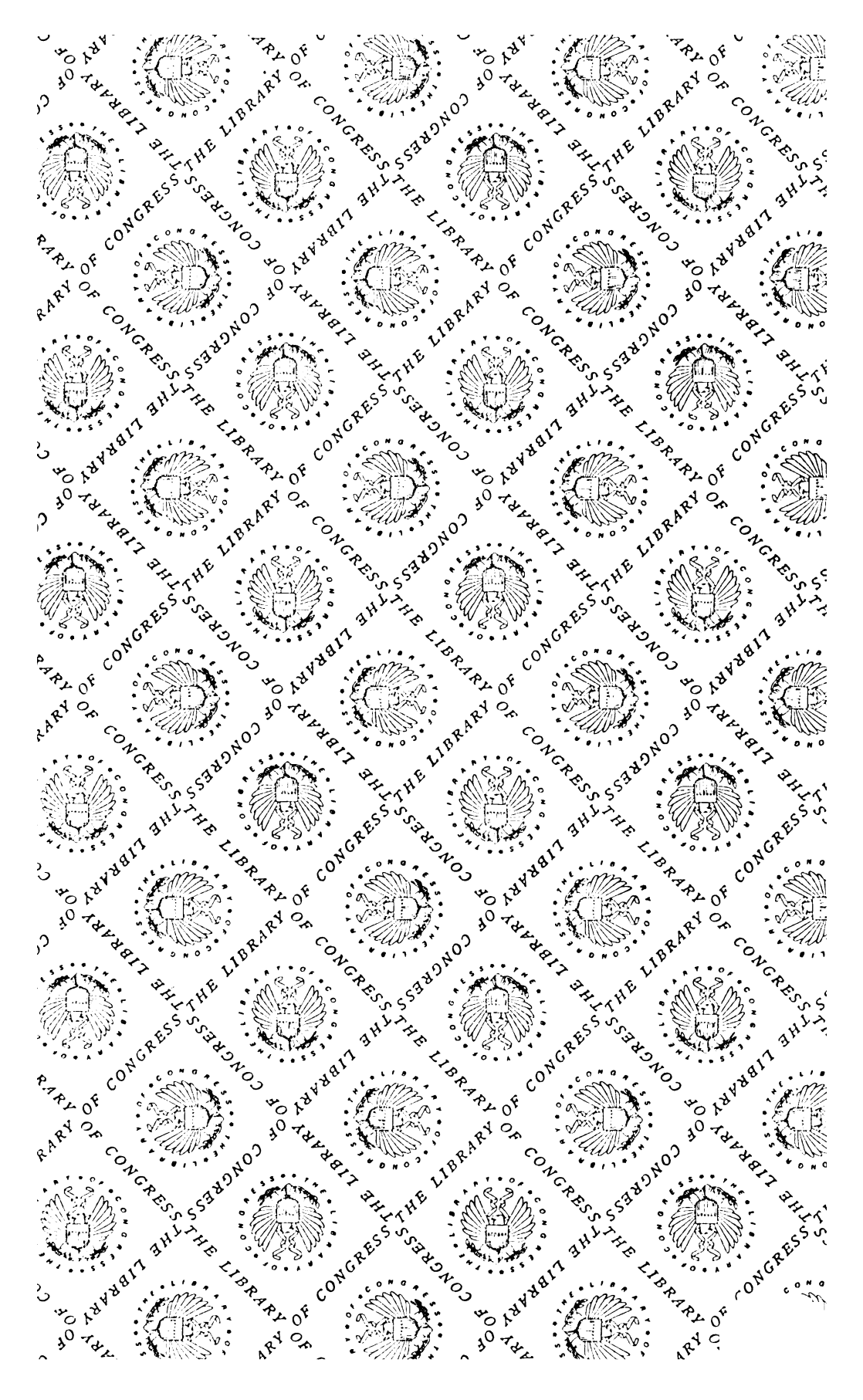
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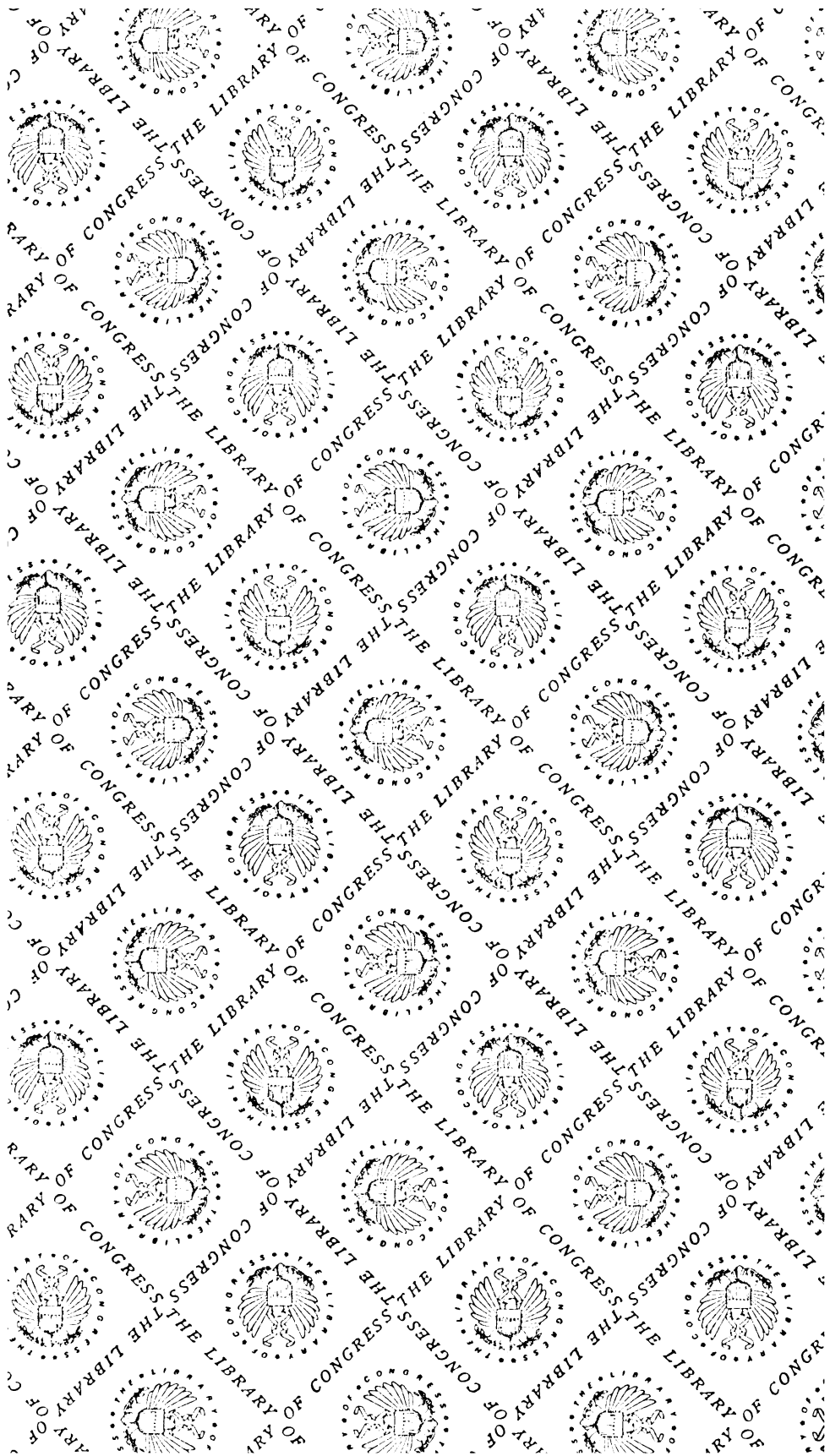
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58TH CONGRESS, {
2d Session. }

SENATE.

{ DOCUMENT
No. 314.

PRESERVATION OF HISTORIC AND PREHISTORIC RUINS, ETC.

HEARING

BEFORE THE

SUBCOMMITTEE

OF THE

COMMITTEE ON PUBLIC LANDS

OF THE

UNITED STATES SENATE,

CONSISTING OF

SENATORS FULTON (CHAIRMAN), BARD, AND NEWLANDS,

ON THE

Bill (S. 4127) for the preservation of aboriginal monuments, ruins, and other antiquities,
and for other purposes, introduced by Senator Cullom February 5, 1904, and
the bill (S. 5603) for the preservation of historic and prehistoric
ruins, monuments, archæological objects, and other an-
tiquities, and to prevent their counterfeiting,
introduced by Senator Lodge
April 20, 1904.

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PRESERVATION OF HISTORIC AND PREHISTORIC RUINS, ETC.

FRIDAY, *April 22, 1904.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Fulton (chairman), Bard, and Newlands.

Also Rev. Henry Mason Baum, D. C. L., president of Records of the Past Exploration Society, of the City of Washington; Dr. Francis W. Kelsey, professor in the University of Michigan and secretary of the Archæological Institute of America; Hon. William A. Jones, Commissioner of Indian Affairs; Mgr. Dennis J. O'Connell, rector of the Catholic University of America; Dr. Charles W. Needham, president of the Columbian University; Prof. Mitchell Carroll, of the Columbian University, associate secretary of the Archæological Institute of America and Frederick B. Wright, secretary of Records of the Past Exploration Society.

The CHAIRMAN (Senator Fulton). There are two bills before the committee, Senate bill 4127, introduced by Senator Cullom, and Senate bill 5603, introduced by Senator Lodge, and there are also House bills.

Reverend Doctor BAUM. Senator Lodge's bill is the same as House bill 13349, introduced by Representative Rodenberg.

Senator FULTON. Are there any other bills?

Reverend Doctor BAUM. Yes; March 4 Major Lacey, chairman of the Public Lands Committee, introduced House bill 13458. There is also another bill, House bill 12447, introduced by Mr. Hitt. That is the Cullom bill introduced in the House. It is identical with the Cullom bill. The next bill is by Mr. Rodey, the Delegate from New Mexico, House bill 12141.

Senator FULTON. Very well, gentlemen, we will proceed with the hearing.

Senator BARD. Doctor Baum might go on and explain the differences in the various bills.

Reverend Doctor BAUM. It is our wish that Doctor Kelsey shall first present the matter to the committee.

STATEMENT OF DR. FRANCIS W. KELSEY.

Senator FULTON. Doctor Kelsey, you have been already comparing the several measures, and I think it may be well if you will point out the features on which you all agree, as I understand there are many features on which you all agree and some on which you differ.

Doctor KELSEY. I have much pleasure, Mr. Chairman, in acting upon the suggestion. Without taking up the bills in detail I ought perhaps to explain to the members of the committee the reason why I happen to be here.

I come as secretary of the Archæological Institute of America. This is an organization which has branch societies in different parts of the country—in Boston, New York, Philadelphia, Baltimore, and Washington. The president of the Washington society is Hon. John W. Foster; the secretary is Prof. Mitchell Carroll, of Columbian University, and prominent among the councilors of the institute are gentlemen whose names will be given you by Professor Carroll. It is unnecessary to name them here. We are very fortunate in having with us this morning two representatives of the Washington society, Monsignor O'Connell, the rector of the Catholic University, and President Needham, of Columbian University, to speak for the society.

There are other societies of the Archæological Institute of America in Pittsburg, Cleveland, Detroit, Chicago; in Wisconsin, Iowa, Missouri, with a branch organization in Kansas City, in Colorado, Utah, San Francisco, and Los Angeles. The society at Los Angeles is the last we organized. It is called the Society of Southern California and has for its special object the guardianship of the scientific interests of archæology in that region.

I have had occasion as secretary of this organization, in constant relation with the societies, to know the sentiment of the country with reference to the subject before your committee. I have found that while there exist differences of opinion in regard to certain things, there are, as the chairman remarked, certain lines on which all are absolutely agreed, without any difference of opinion whatever. As these bills have been brought before Congress I felt that it was the duty of all men who are interested in the subject to unite upon the essential things, leaving the unessential things for later consideration.

Senator FULTON. I imagine every one agrees that it is important we should have some legislation to protect these monuments and relics.

Doctor KELSEY. The first point is, as stated by the chairman, that it is important to have legislation to protect the monuments upon the national domain. The second is that that legislation should be immediate. The third is that that legislation should be at this time preservative rather than administrative. It should not attempt to deal with the things that may arise in the future, but should meet immediate contingencies in order to preserve what we have.

As an instance to illustrate the importance of immediate legislation, in Denver a short time ago, when I was present at a public meeting, a gentleman of the city who presided at the meeting, said that very recently two carloads of boxes containing objects of archæological interest from the southwest had recently passed through the city. Other information of that sort, which is familiar to everyone interested in the work, has been coming in constantly.

Senator FULTON. Do you know to what place they were being taken?

Doctor KELSEY. Part of them were to be shipped abroad, according to my information. I did not follow the matter up. We are all aware of the facts. Catalogues of collectors suggest the conclusion that parties are constantly at work upon the public lands extracting all available objects of value; and these objects of value are not merely extracted, but the environment of them is so completely disfigured in the process that the remains become valueless for scientific purposes, either for exhibition or for any other purpose.

The United States is at a great disadvantage in dealing with this question when compared with the countries of Europe. As Monsignor

O'Connell will inform you, from his long residence in Rome, the European authorities have long since attached the question with much greater advantage than we, because the countries are much more densely settled, and it is much easier to deal with such problems. Our complications lie in the fact that the Government domain is so extensive that no system of policing has yet been devised which will meet the case or guard the country's property without specific legislation.

Senator FULTON. Has there been any attempt made on the part of the Interior Department to protect these localities against depredations?

Reverend Doctor BAUM. We will explain that when we come to speak of the action of the Interior Department.

Doctor KELSEY. The Interior Department has been deeply interested in the matter, but I am informed that they need special legislation to give adequate provision for matters of this kind. Am I correct, Senator BARD?

Senator BARD. Yes, sir.

Doctor KELSEY. If there are no further questions, let me sum up briefly the points to which I am coming. First, it is extremely desirable, inasmuch as this matter is now before the Senate and House committees, that action be taken, because the country expects it.

The constituency of those interested in the matter is not confined to a small circle of scientific men. It is not confined to those interested in educational institutions. The general public has awakened to a realization of the importance of preserving in America these remains of the past, not simply for present interest, but for the future. They are being obliterated every day. Unless I am very much misinformed, on account of the fact that this legislation is before Congress, as commercial speculators and excavators understand the danger of the business being taken away from them, the present summer will witness a larger campaign for the destruction of these priceless memorials of the past than was ever witnessed before. That is a result of the publicity given to the fact that this legislation has been offered to the consideration of the Houses of Congress. If possible it is for the committee, by conference, to tell us the proper way; but if, as a matter of common sense and direct dealing in respect to the interests involved, the magnitude of which is apparent to all, we endeavor to agree upon legislation you gentlemen of the committee will be able to indicate to us how that may be best done which will accomplish the purposes on which all are agreed.

The first purpose is legislation for the preservation of monuments on general lines, without taking into account the future questions that may arise and that are all out of sight. The second is immediate action—if possible, to pass, by general consent perhaps, some kind of bill that will make it possible instantly to stop these depredations and maintain the monuments in statu quo until such time as Congress shall be at liberty to deal with the matter in detail and enact laws similar to those which have so long been in force on the continent of Europe. Have I properly represented the first?

Professor CARROLL. Yes.

Doctor KELSEY. Then I beg of the committee to devote some time to the subject, for it is for the committee to take the lead in a matter of this sort.

Senator FULTON. I would be pleased to have you indicate, taking

up, for instance, the Cullom bill, what, if any, of the features of that bill are objectionable to you.

Doctor KELSEY. May I look at a copy of the bill? I have not one with me.

Senator FULTON. It is Senate bill 4127 [handing bill].

Doctor KELSEY. There are important differences of opinion with reference to two points in this bill. The first difference of opinion has reference to the division of administration between the Secretary of the Interior and the Smithsonian Institution.

Senator FULTON. This bill places the matter under the Smithsonian Institution.

Doctor KELSEY. Instead of the Secretary of the Interior?

Senator FULTON. I speak of the Cullom bill.

Doctor KELSEY. Yes. I am not an attorney. This is a question for an attorney to pass upon. I enter a disclaimer against offering any opinion upon legal points; but the objection has been raised by men in whose opinion I have confidence that the arrangement proposed in this bill would lead to constant friction and to a clashing of authority, which would be apt to neutralize the beneficial results of the legislation.

With reference to the proper ground of that objection I beg not to express an opinion. That objection has been raised, and on account of that apparent difficulty, which may not be real, there are men who stand high who seriously object to the bill in its present form; but that is a point of administration which may be eliminated from any immediate legislation. I understand that all the public lands at the present time are under the control of the Secretary of the Interior.

If in the future it should be thought best to offer for the guidance of the Secretary of the Interior a body of advisers such as the Smithsonian Institution or any other organization, that is for the future to determine. All that you would have to do at the present time is to instruct or authorize the Secretary of the Interior to take steps for the preservation of these remains until the matter of administration may be settled. Have I correctly represented the gentlemen on this point?

Doctor NEEDHAM. Yes, sir.

Senator FULTON. I do not understand that the reserves which the bill provides the President may set apart and create are to be placed by the Cullom bill under the Smithsonian Institution absolutely.

Senator BARD. The work of exploration is placed by the bill under the Smithsonian.

Senator FULTON. But I understand that the Institution is subordinated to the general control of the Secretary of the Interior. Section 2 provides—

That all aboriginal monuments, ruins, and other antiquities on any of the said reservations from the public lands belonging to the Government of the United States of America, now existent or hereafter created, are the property of the United States, and it shall be unlawful for any person to enter on said reservations and collect on or in them any archaeological specimens without first obtaining a permit therefor from the Secretary of the Interior, as hereinafter provided.

Then the bill provides as I recall it—I have not read it for several days—that these permits shall be issued on the recommendation of the Secretary of the Smithsonian Institution.

Senator BARD. You will observe that the proviso in section 5 is that all the results of the explorations shall really go into the control of the Smithsonian Institution.

Doctor KELSEY. That is a question of administration, and in the question of administration there are two elements in dealing with the archæological problem that have to be taken into account. The first is the right to explore and excavate, and the second is the control of the results. This leads me to my second point. May I commence that before going back to discuss the first?

Senator FULTON. Certainly; proceed in your own way. I only wish to get a clear understanding of your position as you go on.

Doctor KELSEY. I feel that your time is valuable and that I ought not to trespass upon it at too great a length.

The second consideration which has been urged against this bill is that it gives the Smithsonian Institution an unfair advantage, an advantage which can not be justified from either a practical or a scientific point of view over any other institution—such as the Peabody Museum at Cambridge, the Natural History Museum of New York, and other large museums—in respect to excavating and in respect to the guardianship of remains that may be recovered by the process of excavation.

Into the detail of this I do not wish to enter, but if you desire my opinion I am ready to give it. This is a point on which I feel qualified to give an opinion.

Senator FULTON. We shall be glad to have your opinion. That is what we want.

Doctor KELSEY. My opinion is that the point is well sustained, and that the sentiment of the country, if you wish to have evidence in the matter, would not sustain any action of Congress in carrying through the provisions indicated in the sections that have been noted in this bill.

Inasmuch as these are points of difference and inasmuch as I am positive, from my opportunity to test the sentiment of the country that my statement is within the bounds of conservative and reasonable expression, I feel that we ought not to enter upon the discussion of that point; but leave it for future consideration. All that sort of thing tends to take us away from the fundamental point. The fundamental point is the necessity of immediate legislation to protect these remains until the Government can see its way clear to devise legislation to take care of them.

Senator FULTON. I assume from what you say that you would prefer the provisions of the Lodge bill in the respect you have mentioned.

Doctor KELSEY. I have not a copy of that before me.

Reverend Doctor BAUM. Professor Kelsey, before we take up the Lodge bill, if you will make your points I will then submit a statement leading up to the Lodge bill.

Doctor KELSEY. I am at the service of the committee. I have no speech to make. I simply wish to follow whatever course is most desirable.

Senator FULTON. All right; we will hear Doctor Baum, then.

STATEMENT OF REV. DR. HENRY MASON BAUM.

Reverend Doctor BAUM. Senators and gentlemen, the question of legislation for American antiquities has been under consideration for many years, and movements to secure their protection have been made by various societies, notably the American Association for the Advancement of Science. The late Doctor Wilson, of the Smithsonian Institu-

tion, worked very hard in this direction. I had an interview yesterday with Mr. Proudfit, one of the Assistant Attorneys-General of the Interior Department, who had assisted Doctor Wilson in his efforts and helped to frame some of the bills introduced by him.

Senator FULTON. Some of the pending bills?

Reverend Doctor BAUM. They are bills that were introduced during the past six or seven years. Those bills only reached the committees to which they were referred. None of them were ever put on the Calendar for passage. I think, as is probably generally well known, that the failure to bring those bills before the Senate and House of Representatives was because there never was any concerted action.

Every civilized government on the face of the earth has legislation for the protection of its antiquities. I had imported a short time ago the Greek laws and had them translated for the benefit of the Committee on Public Lands of the House, where they are now on file. After the European governments enacted laws for the protection of their antiquities Mexico followed, and some of the smaller republics of the south, leaving the United States as the only Government without any protection for its antiquities.

It was not until perhaps twenty-five years ago that excavations began in the ruins of the Southwest. Among the first to excavate for commercial purposes were three brothers in Colorado, who saw the commercial value of the Pueblo and Cliff ruins. They began with the Cliff Palace, in southern Colorado, which is one of the most interesting ruins in the world. They went through it thoroughly. I suppose the antiquities they sold from that ruin ran up in amount anywhere between five and ten thousand dollars. They then proceeded to work in other ruins.

Doctor KELSEY. It should perhaps be noted that at that time the prices were much smaller than now, so that ruins to the value of \$5,000 or \$10,000 represented very much more than now.

Reverend Doctor BAUM. I suppose the present value would be double that amount.

Doctor KELSEY. Or more than double. The single pieces sell for how much?

Reverend Doctor BAUM. There is one piece owned by Mrs. McClurg for which an offer of \$3,000 has been made by the Smithsonian Institution. They excavated other ruins of the Mesa Verde region. They went through many of the ruins of the San Juan watershed, in which there are over 1,600. Then they went through the Chaco Canyon, where one of them has now a large trading station.

Here the American Museum of Natural History of New York has expended over \$50,000, and the ruins are still far from being excavated. That one ruin contained over 2,000 rooms and was once 7 stories in height. About 50,000 pieces of turquoise have been taken from this ruin.

For 10 miles up Chaco Canyon there are extensive ruins on both sides of it. The canyon is about a mile wide. Pueblo ruins are scattered along the ridges of the canyon.

I venture to say, from a somewhat careful examination of the ruins in and adjacent to the Chaco Canyon, that there was a population of 150,000 people, all within a section of 5 miles wide and 15 miles long.

These brothers, after going through these ruins, or many of them, went down into the Rio Grande Valley. Then they went over into Arizona. They even went into the canyons De Chelly and Del Muerto,

which for scenic beauty are without a rival in all the world, and contain over 300 pueblo and cliff ruins.

After I returned from the Southwest two years ago I learned that parties were going into these canyons to excavate for commercial purposes. I went to Secretary Hitchcock and told him what I thought ought to be done for their protection. He readily indorsed the plan to protect them, and within a month he had a custodian in charge of the ruins, and they are now protected from the vandalism of the tourist and commercial excavator. These canyons certainly ought to be made a national park. These brothers have, I suppose, realized over \$100,000 in cash from the sale of antiquities excavated on the Government domains.

Now, the antiquities in these ruins are extremely valuable, and are as a rule isolated. I have talked the matter of reservations over with Major Lacey and other prominent men in this country. There are three or four localities embracing extensive ruins that could well be made national reservations or parks. You may travel for 10 miles, as I have done day after day in the Southwest, and only find isolated ruins, and to show how important some of them are I will give an illustration. On the Little Colorado River, near the Black Falls in Arizona, there is a ruin which Doctor Fewkes, of the Smithsonian Institution and one of the most expert excavators we have in the American work, visited. After he had been spending the summer in the Southwest, he visited this ruin, on learning that it was an old village site, to see whether it would pay him to excavate it; but after looking it over he thought he would not undertake it at that time. However, the Indians whom he had employed during the summer and discharged that night returned the following night with some pottery, and asked him to go over the next morning to the ruin, which he did, and he began excavating the ruin.

The magnificent collection we have in the pueblo section of the National Museum was taken largely from that ruin. It is worth, probably, over \$50,000. The next summer Doctor Dorsey, of the Field-Columbia Museum, went there and got a still larger collection. The following summer the commercial excavators began work in the ruin and they sold \$7,000 worth of antiquities.

Now, such isolated ruins do not attract the attention of the tourist, but they do the enterprising commercial excavator; hence you see the great importance of them from a scientific standpoint. I venture to say that there are hundreds of them. There are probably over 10,000 ruins in southern Utah, Colorado, Arizona, and New Mexico.

No legislation for the creation of national parks only will serve the purpose. I have no personal interest in this matter other than that of an archæologist. The society of which I am the president deals purely with all the work of historical research and exploration throughout the world, from the literary standpoint. My own department in this great work is that of biblical archæology. But I found that, as an editor, it was necessary for me to have a practical knowledge of American antiquities. Therefore, two years ago I visited the mounds of the Mississippi Valley and the more important pueblo and cliff ruins of the Southwest.

One of the objects I had in view was to ascertain how the antiquities on the Government domain could best be protected. My expedition led to the drafting of House bill 13349, which is identical with the bill introduced in the Senate by Senator Lodge.

Now, as to the merits of the bill. It is the only one now before the Senate and House of Representatives that deals with the entire subject of American antiquities on Government lands. The other bills deal entirely with reservations which have not been created.

Whether the President of the United States should be empowered to set aside public lands for reservations is a matter entirely for you gentlemen to decide. I think it is a matter of so much importance that when it comes to setting aside from 50,000 to 200,000 acres of land it would have to go before Congress. Therefore, the other bills do not grant the relief that the people of this country ask for.

The Smithsonian bill places, I think very unjustly and against the almost unanimous sentiment of the country, the antiquities under the control of the Secretary of the Smithsonian Institution; that is, the Secretary of the Interior would not be permitted to grant permits to any institution without the consent of the Secretary of the Smithsonian, which is very unjust. The Rodey bill puts them under the control of the Chief of the Bureau of Ethnology, which is still worse.

Now, in drafting this bill (S. 5603) it was designed to meet the wants of the people—the scientific and educational institutions of our country—and grant them equal privileges.

Senator FULTON. Of which bill do you speak?

Reverend Doctor BAUM. The one introduced by Senator Lodge, and the Rodenberg bill in the House. It was the result of conferences time and again during the last two years with men who are interested in this work throughout the country, as well as my personal observations in the Southwest.

I saw at once that it would not be fair to ask Congress to enact any legislation unless it had been submitted to the educational institutions of the country. Therefore, I asked Mr. Rodenberg to introduce the bill in the House in order to make that test before it was introduced in the Senate. Five hundred copies of the bill were printed and copies were sent to every university, college, museum, historical society, and archæological society in the United States.

Here we have the verdict of those who are entitled to speak on this subject. The president of the Archæological Institute of America, of which we have the honorable secretary here, has warmly indorsed this bill. Every institution that we have heard from, from Yale University down, is in favor of this bill.

Here is a letter from Doctor Wheeler, the president of the University of California, and from Professor Putnam, of Harvard University. Doctor Wheeler, as Professor Kelsey knows, is one of the greatest living authorities on classical archæology. He was for many years in charge of the American work in Athens; for how long, I will ask Professor Kelsey.

Doctor KELSEY. He was there for some time. The exact period I can not state.

Reverend Doctor BAUM. But he stands very high, does he not, as a classical archæologist?

Doctor KELSEY. He ranks very high as a classical scholar in general.

Reverend Doctor BAUM. Professor Putnam the curator of the Peabody Museum, Cambridge, has been the Nestor of American archæology. For twenty-five years he has been trying to get legislation for the protection of our antiquities. His work in Ohio, where he got the State to set aside lands embracing the Serpent Mound and Fort Ancient, is known to everyone. He has educated most of the American

archæologists at Cambridge. The Peabody Museum is a part of Harvard University, and Professor Putnam is one of the professors of Harvard University. He is entitled to speak with authority regarding the protection of American antiquities, I think, more than any other man in the United States, and his word should go further than that of any other man, because he has been in the very forefront of all this work during all these years and has been trying to secure the needed legislation for the protection of our antiquities; but he raises a question here that I think is injudicious at the present time—that of an archæological commission. Let me read their indorsement of the bill.

UNIVERSITY OF CALIFORNIA,
OFFICE OF THE PRESIDENT,

March 18, 1904.

MY DEAR SIR: The bill which you have introduced for the preservation of ancient monuments on the public lands of the United States, together with your circular letter relating thereto, has been examined with much interest by the members of the department of anthropology of the University of California.

As this department of the university is carrying on archæological and ethnological explorations in various parts of this continent and also in several foreign lands, its officers are necessarily interested in all laws, both domestic and foreign, which relate to the preservation and exploration of ancient monuments and prehistoric sites. It is essential that the United States should have a law which, while protecting its ancient monuments, should at the same time permit scientific exploration under proper direction. The bill which you have introduced is conceived in the proper spirit and to a great extent covers the ground. Of the several bills now before the Senate and the House of Representatives yours is surely the most satisfactory.

We would, however, suggest that your bill be so amended as to provide for a commission of at least five persons, to be appointed by the President. This commission should be made up from among the most competent archæologists of this country and should have control of the ancient monuments and remains on public lands.

It should be the duty of such a commission to report to the honorable Secretary of the Interior in relation to the preservation of certain monuments and ancient sites on the public lands, and the Secretary of the Interior should have the authority and power to reserve such monuments and sites from settlement and to have them protected.

It should also be in the power of such a commission to control the explorations of such ancient sites by responsible institutions of learning under the consent of the Secretary of the Interior. This provision should apply as well to foreign institutions of a similar character.

We would suggest also that the condition in section 6 concerning "continuous excavations" might, in some instances, be very hard to satisfy. Also the complete photographic record required by section 7, though desirable, would not be possible in every case where satisfactory work is nevertheless accomplished.

Very sincerely, yours,

BENJ. I. WHEELER,
President of the University.

F. W. PUTNAM,
*Professor of Anthropology and
Director of the Museum of Anthropology.*

In regard to these two suggestions I wish to say that there is hardly an institution in this country that has not been guilty of the charge of going to the Southwest and excavating the most promising part of a ruin and taking what they wanted to fill up their museums and then leaving it and going to another.

Senator BARD. The Smithsonian Institution itself has been doing that?

Reverend Doctor BAUM. The Smithsonian has done that. It is not the least among the guilty parties.

It is not because they have not competent men to excavate. All their men have been able to conduct scientific explorations. But the great desire to go into a ruin and get the best there has led to an utter neglect of the scientific excavation of our ruins, which would not be tolerated for one moment, as Professor Kelsey knows, in Italy or Greece.

So, in drawing up this bill I had in mind hundreds of ruins that I saw in the Southwest that had been rendered useless by desultory excavations for scientific investigation, and I thought that the Smithsonian and all the other institutions when they began work ought to be made to keep at it until there could be placed in some museum the continuity of life that was lived then. There is nothing unfair in that. If we want to have our antiquities preserved for scientific exploration, then, as the writer of one of these letters says, let us hold them strictly to scientific work.

Regarding the photographic record, Washington is now, we may say, the scientific center of the United States. It is becoming more and more so every year, and we ought to have here a record of everything that is taken out of the ruins on Government property, where men who come from abroad to study our antiquities can go. That can be done by such a photographic record. There is nothing that is hard or harsh in that measure. Remember that every ruin that is despoiled is lost forever, and if we can have a good scientific record made of ruins excavated, then future generations can come here to Washington and study the prehistoric life of our country.

Senator BARD. Where would they be placed here?

Reverend Doctor BAUM. They should be placed in the National Museum. A man who is prominent in the work objects to placing them in the National Museum because it would seem to give the National Museum some advantage over other institutions. That is not so. The National Museum is the natural repository for all the antiquities that would revert to the Government by virtue of disobeying the laws or the rules the Secretary of the Interior might promulgate for the carrying on of this work. Therefore, of all ruins excavated by Government permits, photographic records should be made and deposited in the National Museum.

We might place them in the Congressional Library; but Mr. Putnam would at once send them over to the National Museum, as under his system of classification he sends to the various Departments of the Government everything pertaining to their respective Departments.

Doctor KELSEY. May I interrupt Doctor Baum for just a moment?

Mr. Chairman, would it be proper to remind you at this time that as far as the country at large is concerned all scientific men will agree with the statement that has been made; that the National Museum in Washington should be the central depository, because it is the Government taking care of its own property. Therefore, the Government property, as represented in these ruins and by a reproduction under

rules that may seem equitable, should be deposited at a central point, and that point might well be the National Museum. In this point the sentiment of the country will sustain the purpose of the Lodge bill.

Reverend Doctor BAUM. There is no doubt about that. Now, I wish to read one more letter.

Senator FULTON. I wish to ask a question for my personal information. How long can these photographic records be preserved?

Reverend Doctor BAUM. For the next two or three hundred years. We can request them to make duplicate plates. It would depend altogether upon the expertness of the photographer; but if the photographs are properly toned and properly treated they will last as long as the volumes over there in the Congressional Library. That is a very easy and simple matter. Of course the Secretary of the Interior would provide in some way for dealing with the matter. Here in the bill the whole question of administration is left to him, and he would leave this matter to experts. But the record could be made permanent.

I wish to read a letter from Doctor Hilprecht, of the University of Pennsylvania, who has been in charge of the Babylonian expedition at Nippur.

[University of Pennsylvania, department of archaeology, free museum of science and art. Babylonian and general semitic section. H. V. Hilprecht, curator; A. T. Clay, assistant.]

PHILADELPHIA, *March 28, 1904.*

HONORABLE AND DEAR SIR: Having just heard of the bill introduced by Hon. William A. Rodenberg for the preservation of antiquities, etc., on Government lands, and having been informed of the fact that a committee having that bill in charge has been appointed, of which you are the chairman, I beg leave to express to you my great satisfaction as to this first energetic measure proposed to secure the preservation of antiquities, which are of inestimable value for the final solution of great historical and ethnological problems.

I call it the first step because the bill refers only to the preservation of antiquities on Government land. In Turkey, Egypt, Greece, and Italy the law provides for the Government permit for all excavations having in view the examination of ancient sites by pick and shovel in the whole Empire. I am particularly glad to see that while the national cause has been fully upheld foreign scientific institutions are encouraged to do similar work with a prospect of obtaining representative collections from their excavations in this great country.

The generous treatment of the Babylonian expedition of the University of Pennsylvania, with which I have been connected for sixteen years, by the Ottoman Government, which not only granted us the necessary permit for excavations on Turkish territory, but to encourage American scientific institutions in their archaeological work presented us with the remarkable collection of ancient Babylonian antiquities at the end of each campaign, illustrates how scientific research is best promoted by strict laws interpreted in a general spirit after these laws have been obeyed in every way by the excavators first. I therefore indorse the bill heartily and hope to see the day when California's ancient trees—the only living witnesses of a hoary past—will be protected by the same law. The bill, if carried, will form a sound basis for a new development of American archaeology in this country and will benefit science in general in no small degree.

Very respectfully,

H. V. HILPRECHT.

I wish to read one more letter and I am done.

Senator FULTON. Doctor, excuse me. You had better summarize them, because we have not much time and we are approaching the end of the session. We can not have many meetings of the committee.

Senator BARD. Are you going to leave those papers with the committee?

Reverend Doctor BAUM. I have printed all these letters and a copy will be in the hands of every Senator and Member of the House on Monday morning. They give the verdict of the scientific men throughout the country who are interested in this subject. So perhaps I may just as well rest the matter here.

The only thing I ask is what we agreed upon with Professors Kelsey and Carroll last night—first, that the antiquities be placed under the control of the Secretary of the Interior; second, that the institutions of the country shall have an equal right to excavate the ruins, and, third, that all excavations shall be prohibited without a permit from the Secretary of the Interior. This is what I am and have been working for.

Senator BARD. Why could not all the letters be printed in the hearing?

Reverend Doctor BAUM. The originals are on file in the Public Lands Committee of the House.

Senator BARD. I suggest that they might as well be printed in the hearing.

Senator FULTON. Have they been printed in the House?

Reverend Doctor BAUM. No; they have not been printed there, but I will have a printed copy here by Monday morning.

The letters referred to are as follows:

[From Prof. Thomas Day Seymour, president of the Archæological Institute of America.]

ARCHÆOLOGICAL INSTITUTE OF AMERICA,
Yale College, March 26, 1904.

MY DEAR SIR: The Archæological Institute of America feels very strongly the importance—almost the necessity—of speedy action for the preservation of prehistoric and early historic antiquities in our country. That the people who dwell in regions where most of them are found should care little for them is not strange. The next generation will wonder at the neglect. The bill H. R. 13349, introduced by Mr. Rodenberg, seems to me very judicious, and as president of the American Institute of Archæology I express my strong hope that this bill may pass.

I am, very truly, yours,

THOMAS DAY SEYMOUR.

[From Hon. Stephen Salisbury, president of the American Antiquarian Society.]

AMERICAN ANTIQUARIAN SOCIETY,
Worcester, Mass., April 2, 1904.

DEAR SIR: I write in behalf of the council of the American Antiquarian Society to inform you that at a meeting held in the rooms of the American Antiquarian Society in Worcester, Mass., April 1, 1904, the council voted that in their opinion the bill H. R. 13349, introduced by Hon. William A. Rodenberg, entitled "A bill for the preservation of his historic and prehistoric ruins, monuments, archæological objects, and

other antiquities, and to prevent their counterfeiting," meets with their approval; that it is a measure for the protection of historic and archaeological objects belonging to the Government which is in accord with the purposes for which this society was created; and the council of said society would urge upon the Committee on Public Lands, to whom we understand it has been referred, that the bill be reported for enactment.

Very respectfully, yours,

STEPHEN SALSURY, *President.*

[From the Governor of Utah.]

STATE OF UTAH, EXECUTIVE OFFICE,
Salt Lake City, April 12, 1904.

DR. HENRY MASON BAUM,
215 Third street SE., Washington, D. C.

DEAR SIR: I have the honor to acknowledge receipt of your letter of the 2d ultimo, with inclosure as stated, and to inform you that the bill introduced by Mr. Rodenberg in the House of Representatives, "for the preservation of historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and to prevent their counterfeiting," meets with my cordial approval. I have also communicated with the president of the University of Utah, and am pleased to transmit to you his indorsement of the bill also.

Trusting that your society will be successful in procuring the passage of this law,

I am, very truly, yours,

HEBER M. WELLS, *Governor.*

[From the president of the University of Utah.]

UNIVERSITY OF UTAH, PRESIDENT'S OFFICE,
Salt Lake City, March 9, 1904.

Governor HEBER M. WELLS, *Salt Lake City, Utah.*

MY DEAR GOVERNOR WELLS: I have examined the bill 13349, of the House of Representatives, providing for the protection of antiquities within the domains of the United States. This bill is a step in the right direction, and many regret that such a step was not taken long ago. Every person interested in scientific research, sociology, and race development will no doubt heartily approve a measure such as contemplated in this bill. My colleagues, mostly interested in archaeological studies, and myself heartily recommend that the bill be passed without delay and that the law then be strictly enforced.

Yours, truly,

J. T. KINGSBURY.

[From the President of the Buffalo Historical Society.]

[Buffalo Historical Society, Andrew Langdon, president; George A. Stringer, vice-president; Frank A. Severance, secretary; Charles J. North, treasurer.]

MARCH 21, 1904.

GENTLEMEN: I desire personally and in behalf of the Buffalo Historical Society to express my unqualified approval of Mr. Rodenberg's bill for the preservation of historic ruins and antiquities. Students

of our history and archæology have long felt the need of some such protective measure as is here proposed. The proper care and regulation of the matter must rest in the Federal Government. So far as I am aware, the bill now before you is adequate and judiciously drawn.

Yours, truly,

ANDREW LANGDON, *President.*

FRANK H. SEVERANCE, *Secretary.*

[From the curator of the Ohio State Archæological Society.]

OHIO STATE ARCHÆOLOGICAL SOCIETY,
Columbus, Ohio, March 8, 1904.

MY DEAR SIR: I wish to call your attention to the House bill 13349, introduced by Mr. Rodenberg. This bill provides "for the preservation of historic and prehistoric ruins, monuments, and archæological objects, and other antiquities, and to prevent their counterfeiting." I wish to say on behalf of the society that the bill meets with our approval, and I hope you will urge upon the committee the advisability of this bill becoming a law.

Very truly, yours,

WILLIAM C. MILLS, *Curator.*

[From the president of the Southern California Historical Society.]

LOS ANGELES, CAL., *April 11, 1904.*

DEAR SIR: I have been requested, as president of the Southern California Historical Society, to examine the bill introduced by Mr. Rodenberg on March 2, 1904, and referred to your committee being H. R. 13349.

I have made a careful examination of the provisions of this bill. In view of the necessities of the case which it attempts to remedy, such legislation as is here proposed is very necessary and should be enacted as soon as possible if the end in view is to be subserved. I have had considerable experience with the subject treated in this bill and say advisedly that if the objects sought to be preserved by this bill are to be saved at all immediate action must be taken. It would seem to me that there could be no objection whatever to the enactment of the legislation here proposed. I have discussed the matter with numerous persons competent to judge thereof in this vicinity and Arizona, all of whom are of the opinion that the bill should be passed. I desire to express in this manner my hearty commendation of the bill and earnest wish that it be passed as soon as possible if compatible with the public policy of the Congress.

Yours, respectfully,

W. R. BACON,

President Southern California Historical Society.

[From Prof. G. Frederick Wright, D. D., LL.D.]

OBERLIN COLLEGE, *April 16, 1904.*

DEAR SIR: My long interest in the preservation and exploration of the Mounds of Ohio in connection with the State Historical and Archæological Society has greatly deepened in my mind the impression of the necessity for immediate and energetic action throughout the country in order to preserve our many relics of antiquity and secure their investigation through the most appropriate and promising agencies.

The importance of this was greatly enhanced in my recent extended journey through Siberia and Turkestan by observing the great interest in such things manifested by the Russian settlers as well as by Government authorities. It will be a great pity if, with our superior intelligence and opportunities, we fail to secure like results. The proper understanding of such antiquities is an important element in the education of our people, and a rich contribution to their mental development. I trust, therefore, that the bill (H. R. 13349) will be favorably received by Congress and its important object accomplished.

Very respectfully, yours,

G. FREDERICK WRIGHT.

[From the editor of the American Archæologist.]

[The American Archæologist, Dr. J. F. Snyder, editor, Virginia, Ill.; Prof. A. F. Berlin, associate editor, Allentown, Pa.]

VIRGINIA, ILL., *March 18, 1904.*

SIR: House bill No. 13349, introduced by Hon. William A. Rodenberg, of this State, for preservation of aboriginal antiquities of our country and to suppress counterfeiting of the same, should have been made a law by Congress thirty years ago and should by all means be adopted now.

The only amendment I would suggest is to make the penalty for counterfeiting prehistoric relics more explicit by adding to line 15, page 4, of the bill as printed the same penalty prescribed in lines 4, 5, and 6 of page 5, to wit, "and upon conviction thereof shall be punished by fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both." Urge your committee to recommend passage of this bill and you will discharge a duty that will meet the approval of every intelligent person in our country.

With respect, I am, yours, etc.,

J. F. SNYDER.

[From the president of Union College.]

UNION COLLEGE,
Schenectady, N. Y., March 11, 1904.

GENTLEMEN: I am in favor of bill No. 13349, for the preservation of historic and prehistoric ruins, etc. It seems to me of great importance that Congress should take some action at once in this direction. This is not a matter that appeals very strongly to the general public, but that does not affect its real importance, which is evident to all who are interested in ethnological studies and archaeological investigation.

Yours, very truly,

ANDREW V. V. RAYMOND.

[From the curator of the museum of the Leland Stanford University, California.]

LELAND STANFORD JUNIOR MUSEUM,
Stanford University, Cal., April 5, 1904.

GENTLEMEN: My attention has been called to the bill (H. R. 13349) introduced by Congressman William A. Rodenburg.

As a citizen and as an executive officer of a public museum I am very much interested in the successful passage of this bill, and my reasons for same are based on several facts.

The bill is perfectly just to all concerned.

Each and every society or museum has the same privileges.

It causes no hardship to any person. It preserves what is left on the public domain for the use of such institutions as shall be of greatest benefit to future generations.

It puts a check upon the promiscuous issuance of spurious "relics," by which the traveling public is continually deceived. It is a safeguard thrown around the public; it will inspire more people to take an interest in these matters if they know there is some protection against fraud. More assistance will be given scientific bodies by men of means when they know that the money spent will bring returns in genuine material.

The passage of this bill means but little, if any, extra expense to the Government, and is a protection against theft and destruction by the curiosity vandal.

I have submitted the bill to many prominent men in this part of the State, and without exception all indorse it.

Hoping that your committee will report favorably on the matter, I am,

Very sincerely, yours,

H. C. PETERSON,
Curator.

[From the president of the Colorado State Historical and Natural History Society.]

DENVER, COLO., *March 30, 1904.*

GENTLEMEN: Our society has read with much interest the House bill (13349) introduced by Mr. Rodenberg, for the purpose of preserving historic and prehistoric ruins, monuments, archaeological objects, and other antiquities, and desire to convey to you its hearty and enthusiastic approval of the bill. Our society is a State institution, supported by the State, and composed of a large number of such representative citizens as are interested in historical and scientific matters. Among its collections, which are installed in the State capitol building in this city, is a very fine one of the cliff dwellers and other prehistoric ruins in the southern part of the State. We have for many years viewed with regret and alarm the despoliation of many of these antiquities, not only in Colorado, but in New Mexico and Arizona.

Vandals are not alone responsible for this destruction, but scientists working in the interest of collections and museums, not only in the United States but in several foreign countries, have in the past carried away, without order or restraint, hundreds of car loads of objects which should have been preserved, as far as possible, in the condition in which they are found, or which at least have been retained in this country. We have always urged the necessity of some Government control such as is now proposed in Mr. Rodenberg's very excellent bill, and hail with great satisfaction the prospect of having preserved what little is left of what, to scientists, are among the most interesting archaeological remains in this continent.

Respectfully submitted.

COLORADO STATE HISTORICAL AND NATURAL HISTORY SOCIETY.
E. B. MORGAN, *President.*

[From the president of the State University of North Dakota.]

MARCH 9, 1904.

GENTLEMEN: I most respectfully urge your hearty support of H. R. 13349, introduced by Representative William A. Rodenberg. I have made several visits to European countries and know from observation what attention is paid in almost all the countries of Europe to the collection and preservation of all antiquities, such as prehistoric ruins, monuments, and other archæological objects bearing upon the early historic and prehistoric records of the past of those countries. Indeed, it is largely such collections as this bill contemplates that have made Europe so interesting to the American traveler. It seems to me that not only is the time amply ripe for such a movement in this country but that we have been grossly derelict in not before starting such a movement as this bill provides for.

Trusting your honorable committee will see its way clear to give the bill, with such modifications as may seem desirable, its hearty support, I am, very respectfully,

WEBSTER MERRIFIELD,
President.

[From the president of Lafayette College.]

LAFAYETTE COLLEGE,
Easton, Pa., March 18, 1904.

MY DEAR SIR: Permit me, on behalf of Lafayette College, to express the very strong hope that the Committee on Public Lands may find it possible to report favorably on House bill 13349, for the preservation of historic ruins, etc. I have had considerable experience in this matter and I note how many of the historic monuments of this country have already been destroyed by reckless vandalism.

It seems very important that all such memorials of the past should be carefully preserved.

Very truly, yours,

E. D. WARFIED.

[From the President of the University of Oregon.]

UNIVERSITY OF OREGON, OFFICE OF THE PRESIDENT,
Eugene, March 16, 1904.

DEAR SIR: I am recently in receipt of a copy of a bill introduced by Hon. William A. Rodenberg, providing for the preservation of historic and prehistoric ruins and other antiquities. I understand that the bill has been referred to the Committee on Public Lands, of which you are chairman. Permit me to say that we in the West, who are in a position more to appreciate the need of such protection of prehistoric ruins as this bill provides, are all greatly interested in its passage. The preservation of these ruins is a matter of great importance to educational institutions, and especially to those institutions which are adjacent to the territory in which these ruins are found. I sincerely hope that the bill may be favorably considered by your committee.

Very truly, yours,

P. L. CAMPBELL, *President.*

[From the Director of the Detroit Museum of Art.]

DETROIT MUSEUM OF ART,
Detroit, Mich., April 13, 1904.

DEAR SIR: Having my attention called to bill 13349, now in the House for the preservation of historic and prehistoric ruins of America, I beg to say that speaking as director of the Detroit Museum of Art, that this institution in common with every other of a similar character, together with every student of archæology and the American people, are in the most hearty sympathy with this movement. It should be carried forward now at the earliest possible moment, before the destruction by vandals has been carried so far as to utterly obliterate that vast amount of valuable material which can never be restored. I hope the bill and your efforts will receive every possible support.

With best wishes to you for success in this commendable movement,
I beg to remain, yours, very truly,

A. H. GRIFFITH, *Director.*

[From the President of Lawrence University.]

LAWRENCE UNIVERSITY,
PRESIDENT'S OFFICE,
Appleton, Wis., March 14, 1904.

DEAR SIR: I notice a bill has been introduced into the House concerning the preservation of historic and prehistoric ruins, etc., H. R. 13349.

I am much interested in the passage of the bill. In Wisconsin we have recently organized an archæological society for the purpose of preserving historic monuments in various parts of the State. These remains of a prehistoric race are rapidly being obliterated, and if the Government can take any steps to preserve in a measure our antiquities it will be a matter of increasing historical interest.

Very truly,

SAMUEL PLANTZ, *President.*

[From the president of West Virginia University.]

WEST VIRGINIA UNIVERSITY,
OFFICE OF THE PRESIDENT,
Morgantown, March 7, 1904.

GENTLEMEN: For myself and on behalf of the West Virginia University, I would respectfully urge the passage of H. R. 13349, introduced by Mr. Rodenberg, for the preservation of historic and prehistoric ruins, monuments, archæological objects, and other antiquities, and to prevent their counterfeiting.

The interests of science require that something be done to prevent the destruction and misuse of these antiquities, and this bill seems to offer the protection needed.

Hoping that you will be able to report favorably on the bill, I am,
Very respectfully,

R. B. REYNOLDS, *President.*

[From the President of Vanderbilt University.]

CHANCELLOR'S OFFICE,
VANDERBILT UNIVERSITY,
Nashville, Tenn., March 8, 1904.

DEAR SIR: I am pleased to see a copy of the bill which has been recently introduced by you looking to the preservation of American antiquities, etc. I beg to express my approval of this bill and trust you may have no difficulty in securing favorable action. I am not able to suggest any amendments. It seems to meet the case very fully.

Yours, very truly,

J. H. KIRKLAND.

[From the president of Adelphi College.]

ADELPHI COLLEGE, PRESIDENT'S ROOM,
Brooklyn, N. Y., March 7, 1904.

DEAR SIR: I write to express the hope that your committee will take favorable action upon H. R. 13349, "For the preservation of historic and prehistoric ruins, monuments, etc."

In expressing this opinion, I represent the unanimous feeling of the trustees and faculty of this institution.

We believe that Congressional action of this kind is absolutely necessary in order to preserve from destruction the prehistoric remains in this country, especially the mounds and the relics of the cliff dwellers and early pueblos.

The bill as now drawn meets with our unqualified approval, excepting, perhaps, in section 5, in which it seems to me that it would be better merely to authorize, if necessary, the Secretary of the Interior to permit exchanges of antiquities between the United States National Museum or the Smithsonian Institution and foreign museums and universities or scientific societies.

I remain, yours, very truly,

C. H. LEVERMORE.

[From the president of the Western Reserve University.]

PRESIDENT'S ROOM,
WESTERN RESERVE UNIVERSITY, ADELBERT COLLEGE,
Cleveland, March 7, 1904.

MY DEAR SIR: I beg to say to you that the bill 13349, introduced by Mr. Rodenberg, for the preservation of historic memorials, seems to me thoroughly worthy. Its passage would represent a distinct enlargement of the higher relations of American life.

Very truly, yours,

CHARLES F. THWING.

[From the president of the St. Louis University.]

ST. LOUIS UNIVERSITY,
March 19, 1904.

GENTLEMEN: The St. Louis University is much interested, from scientific and patriotic motives, in the passage of the bill (H. R. 13349) introduced by Mr. Rodenberg, "For the preservation of historic and prehistoric ruins, etc."

May I ask, in the name of our faculty, for the passage of this bill?

Very respectfully,

W. B. ROGERS, S. J., *President.*

[From the secretary of the Milwaukee Public Museum.]

MILWAUKEE PUBLIC MUSEUM,
Milwaukee, Wis., March 21, 1904.

GENTLEMEN: I have received copy of "A bill for the preservation of historic and prehistoric ruins, monuments, archæological objects, and other antiquities, and to prevent their counterfeiting," No. H. R. 13349. I have looked this over carefully, and upon due consideration can suggest no way in which it could be improved.

On the face of it some of the provisions appear rather stringent, but I believe in the long run they will all be found advisable. I therefore am in hearty sympathy with this bill as printed, and hope that it will be enacted as a law.

Respectfully,

HENRY L. WARD,
Custodian and Secretary.

[From the president of the Detroit Society of the Society of the Archæological Institute of America.]

THE DETROIT SOCIETY,
March 21, 1904.

DEAR SIR: The bill introduced at the request of Records of the Past Exploration Society, of Washington, D. C., being H. R. 13349, meets with my fullest approval. As president of the Detroit Archæological Society, I have had some experience in getting our legislature to pass measures for the protection of the antiquities of Michigan. I deem it a matter of the greatest importance that when Congress passes the necessary legislation all the museums and institutions of the country should be treated fairly and placed on the same basis in reference to making excavations for the antiquities on Government lands. I believe this bill answers that purpose, and think that it should be passed in preference to any other bill.

Trusting that it may receive your favorable consideration,

I am, yours, very truly,

GEORGE W. BATES.

Reverend Doctor BAUM. Many other letters have already been received of the same tenor.

STATEMENT OF HON. WILLIAM A. JONES, COMMISSIONER OF INDIAN AFFAIRS.

Doctor KELSEY. Mr. Chairman, we have the pleasure of having with us this morning a gentleman whose opinion on this subject ought to be of great weight throughout the country. It is not necessary for me to indulge in compliments in the matter; but these bills were placed in the hands of the Commissioner of Indian Affairs without any comment with reference to their character, with the request that he should at his convenience favor those of us who are interested with his opinion. We have had no opportunity to talk with Mr. Jones on the subject. I feel that it would be a contribution to the illumination of the men who stand for the scientific side if we might hear from a man who is thoroughly familiar with the situation from the governmental point of view and learn his opinion upon the merits of the separate bills.

Senator FULTON. We shall be glad to hear Mr. Jones.

Commissioner JONES. Mr. Chairman and gentlemen, I could not expect to differ from Professor Kelsey as to my knowledge of archaeology. I am not posted on that at all. I must defer to his judgment on such a matter. But I have looked over the bills as carefully as possible from an administrative standpoint, and it seemed to me, after giving the subject due consideration and consulting with others associated with me in the Indian Office that, on the whole, we prefer what is called the Lodge bill.

Senator FULTON. The Lodge bill in the Senate and the Rodenberg bill in the House?

Commissioner JONES. Yes; the Lodge bill in the Senate. Gentlemen, you may get into trouble or you may get the Interior Department into trouble if you have a divided responsibility, as provided in Senator Cullom's bill. We have had some experience in those lines in the Indian Office and in the General Land Office. It has not been satisfactory and it has been very embarrassing in very many instances where there is a divided responsibility. It ought to be lodged in the Secretary of the Interior entirely and let him promulgate such rules and regulations as he thinks proper for the protection of these relics.

There is one feature that I should like to emphasize. I do not know whether the bill guards the relics that are already partly exploited on Indian reservations or not.

Reverend Doctor BAUM. I beg your pardon, Mr. Jones. It does not, because a notable case is that of the cliff palace, in southern Colorado. A part of it is on the Ute Reservation and a part of it on the Government domain.

Commissioner JONES. That very case was brought to my attention this winter by Mrs. McClurg, of Colorado, and I was unable to give her much help in the matter, except to appoint a custodian for that portion of the country known as the Southern Ute Reservation.

Reverend Doctor BAUM. The same as you did in the case of the canyons De Chelly and Del Muerto.

Commissioner JONES. Exactly.

I was impressed with the remarks the gentleman made as to the despoliation, you might call it, of the relics of the Navajo Reservation. They have been overturned and dug up for twenty years, and private parties have sold collections they have made there for as high as \$10,000.

Senator FULTON. Can not your Bureau control those depredations?

Commissioner JONES. We can not, from the fact that the Navajo Reservation is a very large reservation and we have not the facilities necessary to take proper care of the relics. We are doing the best we can.

Senator FULTON. Will the Lodge bill cover that?

Commissioner JONES. I do not think it does. That is my impression.

Reverend Doctor BAUM. It gives the Secretary of the Interior power to appoint custodians.

Commissioner JONES. To control the reservation. That will do it all right.

Reverend Doctor BAUM. It empowers him to appoint custodians and when necessary Indian police.

Commissioner JONES. We have a fund and we could control that

part if there was authority in the Secretary of the Interior to do. Congress has been kind to us this winter and has given us a fund that we could use for that purpose. They will not be called custodians but they will be called additional farmers, and we can make them do anything we ask them to do.

Reverend Doctor BAUM. So this bill would not require any further provision for that purpose?

Commissioner JONES. No; not if the authority is placed in the hands of the Secretary of the Interior; but I say if the authority is divided and a part of it given to the Smithsonian we would not be able to control the situation.

Reverend Doctor BAUM. Of course not. That is out of the question.

Senator FULTON. I suppose the public lands would include the Indian reservations?

Commissioner JONES. No; I think not.

Senator FULTON. They are public lands, although the Indians have possession.

Commissioner JONES. Take the Southern Ute Reservation in the case cited—

Senator FULTON. Still the Government has control absolutely. The policy is to pay for the Indian lands, but it is a mere matter of policy. The ultimate title is in the Government.

Reverend Doctor BAUM. Senator, may I ask Mr. Jones the effect of the rule he issued to the Indian agents, I think two years ago, regarding their looking out for antiquities?

Commissioner JONES. We can control the situation, but we have no power except by treaty with the Indians on a certain reservation to have land set aside as a Government reserve.

The Navaho Reservation is what we call an Executive-order reservation, and you can set aside any portion you want as a reserve for this purpose. The Southern Ute Reservation is a treaty reservation, and it will be necessary to negotiate with the Indians to cede or sell that portion of the reservation which contains these prehistoric relics. You authorized us, I think, two years ago to negotiate with the Southern Ute Indians for that purpose. I have been trying to do so. We have not succeeded so far, but we think that this summer we will succeed. They have an extravagant idea of the value of that portion of the reservation, but I think that with a little patience we can get them to cede from the reservation such portions as contain the relics.

Senator FULTON. You are not speaking of the Navaho Reservation?

Commissioner JONES. No; the Southern Ute Reservation, in Colorado. The Navaho Reservation is an Executive-order reservation, and we can control it until it is thrown open to the public, and in that event it will become public domain anyway, and it will be under the control of the Secretary. He can reserve from settlement any portion he sees fit, with the approval of the President.

Reverend Doctor BAUM. Mr. Jones, would it not be well for you to describe in what way the Lodge bill or any other bill should be amended so as to make such provisions? You are the only one who would be able to determine that.

Commissioner JONES. I think this bill will cover it, Doctor, if Congress will pass the bill granting the Secretary of the Interior this power specifically. As I stated before, the trouble we have with the Navaho Reservation is just the lack of help—lack of funds, rather—to

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employ people to take care of those relics. I think we are succeeding now fairly well. People do get in there, because it is a very large reservation, and dig up things they ought not.

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Reverend Doctor BAUM. But a penal clause would perhaps frighten a great many away.

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Commissioner JONES. We have a perfect right to prevent anybody from going on the reservation now and doing that. We can take him to the bounds of the reservation and turn him loose.

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Reverend Doctor BAUM. You can not punish him?

Commissioner JONES. No, sir; we have no means of punishing him. He can then turn around and come back again.

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Senator FULTON. Where the land has been allotted you would practically have no further control of it?

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Commissioner JONES. No; we could not do that then. But out there there has not been much land allotted. The allotment of the Southern Utes is on the eastern portion entirely, and on the Navaho Reservation there has been no allotment of any kind.

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Senator FULTON. Would you suggest any amendment to the Lodge bill?

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Commissioner JONES. Senator, I am not familiar with the scientific portion of it. I could not throw any light on that.

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Senator FULTON. I do not refer to that portion; I refer to the administrative features.

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Commissioner JONES. No; I think it is all right. I do not think it would be wise to amplify it. It seemed to me last night in going over it, and in talking it over in the office this morning, that it is clear, and I think it will cover the ground entirely.

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Reverend Doctor BAUM. The legal advisers, Mr. Campbell and Mr. Proudfit, have also said the same thing.

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Commissioner JONES. I have not consulted the Secretary's Office.

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Senator NEWLANDS. What about the power to fix a penalty?

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Senator FULTON. The bill does not give the Secretary of the Interior power to fix a penalty.

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Senator NEWLANDS. No; but what about the power of the United States to make it a misdemeanor to remove these antiquities without authority of the Secretary of the Interior, except in the Indian Territory?

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Commissioner JONES. I am not a lawyer, but it seems here that it shall be deemed a misdemeanor.

Senator FULTON. It is on public land. Why can it not be made a crime to remove antiquities from public land as well as to remove timber from public land, wherever it may be situated?

Commissioner JONES. It seems to me that the Assistant Attorney-General would be the authority to prosecute.

Reverend Doctor BAUM. Certainly; Senator Newlands, that matter was gone into by Mr. Bacon, a prominent lawyer of southern California, president of the Southern California Historical Society. It was placed before him for that purpose and his letter will be filed here with the rest of the indorsements.

Senator FULTON. I do not think there is any question about the power of the Government to make it a crime.

Commissioner JONES. There is no question, I think, about it.

Senator FULTON. The Government could make it a crime to go on the land.

STATEMENT OF MONSIGNOR O'CONNELL, RECTOR OF THE CATHOLIC UNIVERSITY OF AMERICA.

Senator FULTON. Monsignor O'Connell, have you any suggestions that you wish to submit?

Monsignor O'CONNELL. Mr. Chairman, I have no very definite suggestions to submit, nor have I any very technical knowledge on the subject. I will merely say that I do not see why, in the first place, all these objects should not be declared the property of the Government; secondly, that the Government then ought to protect them; and thirdly, that these articles of archæology, etc., are not simply the property of the United States Government, but in a certain sense the property of the scientific world.

Reverend Doctor BAUM. Exactly.

Monsignor O'CONNELL. So the United States Government should keep the custody of them. It seems to me that, belonging to the United States Government, they should be protected. It would simplify, too, as much as possible I suppose the measure to leave the execution of it, as gentlemen might think, to the Secretary of the Interior, but first to protect these objects that belong to the Government.

Reverend Doctor BAUM. I am sure that you, speaking as a representative of a great university, believe the educational value of our antiquities is very great, is it not?

Monsignor O'CONNELL. It seems, Mr. Chairman, that there are before the scientific world to-day very serious questions about philology and ethnology and the data to solve them are very few. They are contained mostly in these ruins. They are the libraries the people of the past have left us. We should preserve these sacred libraries as much as possible in the places where they are. These libraries furnish the only data we have to solve questions of the migration of these people, their origin, the character of their language, and it would be almost vandalism to allow the tiniest portion of them to be destroyed.

Reverend Doctor BAUM. That is the great point I think, Monsignor.

Monsignor O'CONNELL. See all the depredations which were committed in Rome; the rifling of the tombs of the valley of the Nile, of the catacombs, and of the Etruscan tombs, where objects of great historic value were sold for a trifling financial consideration, leaving in some instances important points of history in doubt. The scientific world has some claim to these relics; they belong to the American people.

STATEMENT OF DR. CHARLES W. NEEDHAM, PRESIDENT OF COLUMBIAN UNIVERSITY.

Reverend Doctor BAUM. I should like to have President Needham, of Columbian University, speak a few words on the subject.

Doctor NEEDHAM. Mr. Chairman, I can not add anything to what has been already said. I concur in all that has been suggested. As has been suggested, this is the only book of history that is not defective, because all other knowledge of history depends upon human memory and the coloring that comes from the human mind.

I want just to emphasize, or at least second, what has been said by Doctor Baum with reference to allowing institutions and searchers to

go in and excavate parts of these ruins. It is like tearing leaves out of the center of a book and leaving it absolutely valueless.

Senator FULTON. That is guarded against in the bill, I think.

Reverend Doctor BAUM. Very amply.

Senator FULTON. I remember some provisions to that effect.

Reverend Doctor BAUM. It is section 6 of the Lodge bill.

Senator NEWLANDS. Some time ago a gentleman appeared before the committee urging the passage of a bill recommended by the Smithsonian Institution.

Senator FULTON. He was a representative of the Smithsonian Institution.

Senator NEWLANDS. That bill is not commended by these gentlemen.

Senator FULTON. No; I think they universally line up against it.

Reverend Doctor BAUM. It has been withdrawn.

STATEMENT OF PROF. MITCHELL CARROLL.

Senator FULTON. Professor Carroll, have you anything that you would like to submit to the committee?

Professor CARROLL. Mr. Chairman, just a word—since the matter of the two bills has come up. In this whole matter, Senators, my opinion has been determined by the expressions of others, who are authorities on the subject, because, while I am a classical archæologist, my knowledge of American archæology is limited. In the Washington Society of the Archæological Institute of America, three members of our executive board are important officials of the Smithsonian. Of these, Professor Holmes, Chief of the Bureau of American Ethnology, is one of the councillors, and he was invited to be present with us this morning. So, naturally, it is a matter in which a thoroughly impartial judgment should be given.

We see, however, that here is a bill which gentlemen throughout the country have considered and of which they have expressed their opinions in writing. We have on the one hand the opinion of American archæologists, such gentlemen as Professor Putnam and others who are interested and who indorse it as meeting the scientific requirements. We have heard this morning favorable judgments from the administrative side. Hence I am forced to the conclusion that the Lodge bill more nearly meets the situation than any other that has come up for consideration.

The important point at present is not the question of administration, but the question of preserving the antiquities, and of immediately preserving them. Consequently I most heartily accord with what Professor Kelsey has said, that it is better to leave the question of administration for future adjustment and for all parties immediately to agree on some bill which will preserve the antiquities. If the Lodge bill meets the approval of the committee as adequate to accomplish this end, I trust it may be passed at this session of Congress.

STATEMENT OF FREDERICK B. WRIGHT.

Senator FULTON. Mr. Wright, do you wish to be heard?

Mr. WRIGHT. I have nothing specially to add. I realize, as all the gentlemen present do, the necessity for protecting our antiquities. A few years ago I went down through Turkestan and that section, and there the Russian Government was protecting the antiquities. One

could not carry off the tiniest part of a tomb belonging to the time of Tamerlane without having officers request him to leave it. It seems that from the way they are protecting those relics we ought certainly in this country to protect everything of the kind here.

DISCUSSION OF THE LODGE-RODENBERG BILL.

Doctor KELSEY. Mr. Chairman, would it be a proper mode of procedure to glance over each section of the bill to see that there is no misunderstanding among ourselves? If you felt inclined to that as a proper procedure, perhaps each section should be read aloud or glanced over, and if any objection is made on the part of any one it can be noted. This is a very representative gathering this morning, and I think it would be well to take up the objections to the bill. I am not here as the advocate of any bill, but if it should be shown by reading the bill section by section that it is the best measure from both the scientific and the administrative point of view, it would save difficulty and save confusion in case the committee should desire to bring the bill before the Senate.

Senator FULTON. I doubt if we would have time to go through with it in that way.

Doctor NEEDHAM. I was going to suggest, if I might, that most of us have read the bill, I think, and it seems to me to cover the subject so well in a general way, that you leave out details over which you might have considerable difference of opinion, and we are quite satisfied with it.

Senator FULTON. The fact is to be taken into consideration that we can always correct any defects hereafter. The important thing, I imagine, is to get something on the statute book.

Reverend Doctor BAUM. That is it.

Senator FULTON. An act that will afford some measure of protection, and then as experience shows the importance of changes they can be secured.

Reverend Doctor BAUM. That is exactly what Mr. Proudfit told me yesterday in a conversation I had with him in discussing the question. He said: "Get the bill on the statute book and then let experience enlarge it or add to it as is necessary."

Doctor KELSEY. There are two sections with reference to which I should wish to call for an expression of opinion, if such is necessary. There is discussion with reference to section 7. However, I believe that the scientific men of the country, as a whole, would sustain the position taken by this bill.

Senator FULTON. That is the section requiring a photographic record to be made?

Doctor KELSEY. Yes. In taking photographs in the museum at Naples, under a governmental permit, I was required by the statute and in the terms of the permit to deposit a duplicate of every photograph taken. A particular time was not specified. It was left with me as a question of honor. There was no penalty added, but the fairness of the requirement was so apparent that not only I, but I suppose every person who has found it necessary for scientific purposes to take photographs there has willingly complied with it.

In view of that experience and the necessity of keeping somewhere a record of the matters that are contemplated by this section, I feel that I ought to express approval of the section, notwithstanding the fact that there has been some difference of opinion in regard to it.

I believe, Mr. Chairman, I am able to assure you that, taking the scientific opinion of the country over, the section would be approved, and that, therefore, this may be taken out of the general category of disputed points. If the Senate should see fit to pass the bill I believe the sentiment of the country would sustain the conclusion.

The second is section 8. The expediency of attempting to cover the question of forgery in a bill has been questioned. But here, again, I feel that I am within the bounds of moderate statement in saying that the sentiment of the country, as I understand it, would heartily approve of section 8, if it can be carried into this bill, in addition to the point which I made in the beginning, the point being simply that without waiting for another summer's campaign, which may destroy for all time material of incalculable scientific value, the Government ought at once, immediately, at this very time, to make provision for guarding these monuments, leaving all questions of administration and future control to be settled later, as the wisdom of Congress may direct.

Senator FULTON. I think that section 8 should be changed in some respects. It provides "that the forgery or counterfeiting of any archaeological object which derives value from its antiquity, or making of any such object, whether copied from an original or not, representing the same to be original and genuine with intent to deceive, or uttering of any such objects by sale or exchange or otherwise, or having possession of any such objects with intent to utter the same as original and genuine is hereby declared to be a misdemeanor."

I should think it should read "knowingly uttering of any such objects" and "knowingly having possession of any such objects."

Reverend Doctor BAUM. I think your point is well taken, Senator.

Senator FULTON. The language as it stands might make criminal the act of a perfectly innocent party.

Reverend Doctor BAUM. You will make a note of that, Senator.

Senator FULTON. Yes.

Reverend Doctor BAUM. I wish to emphasize what Professor Kelsey has said about the great need now of action in this matter. The St. Louis exposition is going to bring a large number of people here, who, while they are there, will go to the Southwest and carry on their work of despoliation. Major Lacey, at the hearing before the House committee the other day called attention to one factory he knew of down in Mexico where they are turning out 10,000 forgeries a year, and Professor Saville, who is the great Mexicanist in the American Museum of Natural History, has examples of forgeries there, and there are probably not half a dozen men in this country who could detect the forgeries from the originals. These forgeries are being sold to museums.

A lady came from Egypt the other day to the museum in Philadelphia. She had spent \$2,000 in antiquities. She submitted them to the museum and there was not one of them that was not a forgery. With tears she went out of the room and said she had lost \$2,000. That is going on all over the country. Up in Wisconsin and in different parts of the West there are factories now turning out spurious antiquities which they are selling.

Doctor KELSEY. I wish simply to emphasize the fact that this is an urgent matter. If this bill should be passed at the present session it would prevent carrying thousands of objects to Europe as representatives of American antiquities that are wholly spurious.

Reverend Doctor BAUM. In addition to that, if it could be passed at this session there would be thousands of dollars saved in St. Louis, for the manufacturers of spurious antiquities are going there to sell their wares.

Doctor KELSEY. It is a practical consideration. This is not pure theory.

Senator FULTON. There is one thing about it; I suppose if the ordinary person does not know whether they are genuine he is just as happy, and the scientific institutions will doubtless detect those that are fraudulent. However, I do not see any objection to the provision, as far as I am concerned.

Commissioner JONES. I should like to refer to section 2 from an administrative standpoint. It says that the Secretary of the Interior shall appoint custodians of such ruins or groups of ruins and provide for their compensation. Now, the Secretary is not going to pay these men out of his own pocket. I am not sure that he has a fund out of which he could defray their expenses. I have not consulted with him on the subject. As I said before, we can take care of the portion that applies to Indian reservations. I will undertake to do that. But there are matters which have been brought to the attention of the Secretary of the Interior; as an instance there is the custodian of the Sulphur Springs in the Indian Territory.

Last year he appointed a custodian and found that he had no funds out of which he could be paid. The Auditor for the Interior Department and all Auditors, I presume, are very critical as to the expenditure of money, and there is a great deal of governmental red tape that sometimes embarrasses the Secretary. Now, whether or not you ought to have an appropriation there, or what appropriation will be necessary, I do not know. I do not know anything about the extent of these relics on the public land.

Senator FULTON. The custodians would receive a salary of probably \$60 a month?

Commissioner JONES. Yes; we pay from \$60 to \$75 for those we have on Indian reservations.

Senator FULTON. Forest reserve rangers are allowed \$60, I think.

Commissioner JONES. I do not know anything about that.

Reverend Doctor BAUM. That section gave me more concern than any other in the bill, because I was entirely at sea as to how to provide for the payment of custodians. Would it not be possible to strike it out and let the Secretary of the Interior control the matter through your own bureau, and then outside of the Indian reservations have the forest reserve superintendents and other officials look after it? Could not those employees be utilized without any additional expense to the Government?

Commissioner JONES. Doctor, if you will give me a little time to consult with the Secretary of the Interior I will report to you to-morrow morning as to whether he has funds available or not, and if not, I think it would be advisable to put in a small appropriation. I do not know whether that would jeopardize the bill or not.

Senator NEWLANDS. It would jeopardize the bill.

Senator BARD. Yes; at this stage of the session.

Commissioner JONES. Then I will see the Secretary and try to ascertain whether he has any fund that he can employ for this purpose.

The hearing was thereupon closed.

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